

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-8524

October 15, 2021

BY ECF

Hon. Kenneth M. Karas
United States Courthouse
300 Quarropas St.
Chambers 533
White Plains, New York 10601-4150

Re: Joseph Terry v. CO James Hulse Jr., et al., No. 16-CV-252 (KMK) (AEK)

Dear Judge Karas:

This Office represents Defendants in the above-referenced action. I write, on behalf of all parties, to respectfully request that the resumption of the exhaustion hearing scheduled to be held on Thursday, October 21, 2021, be rescheduled for a date convenient to the Court on or after November 18, 2021. (See Dkt. No. 180).¹ I have conferred with Plaintiff's counsel and we would be available to participate in a hearing on November 18, 19, 22, or 23, 2021.

The reason for the request is that the parties are in the process of exploring settlement of this action. We apologize for not having made this application earlier this week, but Plaintiff's *pro bono* counsel has been unable to confer with his client until this morning because of issues unrelated to this case preventing legal calls to Attica Correctional Facility. No prior request has been made for the relief requested herein. Thank you for your time and consideration in this regard.

*Planned. The Court will
hold a hearing on December
7, 2021 at 10:00 AM*

Respectfully yours,

/s/
Bruce J. Turkle
Assistant Attorney General
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Bruce.turkle@ag.ny.gov

cc: Darryl Stein Esq. (by ECF)

SO ORDERED

KENNETH M. KARAS U.S.D.J.

10/19/2021

¹ The first session of the exhaustion hearing was held on March 11, 2019. (See March 11, 2019 minute entry).